

To: Timothy McCarthy[tmccarthy@cclawmn.com]
From: Chow, Kevin
Sent: Fri 2/7/2014 7:36:10 PM
Subject: Meleen Corporation: draft consent agreement
Meleen CAFO EPA draft.docx

Tim,

I trust you made it out of the snow drifts. Right now we have teeth chattering temps over here in Chicago, I imagine it's the same (or worse) in MN.

Attached is a draft Consent Agreement and Final Order (CAFO) memorializing the \$500 agreement in principle on the penalty matter, and providing compliance language going forward. Please review and provide me any comments and questions.

As to the ensuing CAFO process: Once you inform me that the CAFO is acceptable, EPA staff must then put the CAFO through an internal sign off process up to a certain level in our chain of authority prior to sending you a final copy for signature by Mr. Meleen. After he signs it, it must come back to EPA for signatures by the higher management officials that are actually authorized to bind EPA to the agreement (namely our Division Director and Regional Administrator). Final approval of the terms of the CAFO will be subject to the decisions of the signatory EPA officials. We will then send Meleen a fully-executed copy.

Let me know if you'd like to consult before you send the status report to Judge Gunning on Feb. 12. Also please keep me informed of any changes in Mr. Meleen's circumstances.

Still no transcripts from the IRS. Hopefully we get them soon.

Kevin

(312) 353-6181

p.s.

The UST staff would like to remind Mr. Meleen that several forms of compliance assistance are available to help him understand the rules and requirements for operating UST systems.

Numerous UST Operator Training Courses exist for this purpose, and tuition varies by provider. Information for some of these courses can be found through the Minnesota Pollution Control Agency's website at <http://www.pca.state.mn.us/index.php/waste/waste-and-cleanup/waste-management/tank-compliance-and-assistance/underground-storage-tanks-ust/underground-storage-tank-operator-requirements.html>.

The UST staff also offers to provide compliance assistance to the extent that travel resources will allow. The best way for EPA to provide compliance assistance is to visit with Mr. Meleen at the facility and go over the site's operation while there in person. EPA is limited in our ability to travel to the facility, however. Therefore, the UST program recommends that Mr. Meleen consider compliance assistance that EPA offers through the Mille Lacs Band. The EPA has an agreement in place with the Mille Lacs Band DNR to provide compliance assistance visits at no charge to the facility. The federally-credentialed tribal inspector will visit the facility and review testing schedules and records with staff. As explained before, this inspector collects no sales or other financial information during such a visit. A compliance assistance visit of this type is also not a catalyst for enforcement action, but a means of identifying areas for improvement and maintaining compliance.